

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

RAFAEL ENRIQUE HENRIQUEZ §  
v. § CIVIL ACTION NO. 6:13cv238  
DIRECTOR, TDCJ-CID §  
and  
RAFAEL ENRIQUE HENRIQUEZ §  
v. § CIVIL ACTION NO. 6:13cv239  
DIRECTOR, TDCJ-CID §

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE  
AND ORDER OF CONSOLIDATION

The Petitioner Rafael Henriquez, proceeding *pro se*, filed these two habeas corpus applications under 28 U.S.C. §2254 complaining of the legality of his convictions. This Court ordered that the cases be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Henriquez's petitions challenge judgments of the same state court, which were rendered on the same day. On March 18, 2013, the Magistrate Judge issued a Report recommending that the two petitions be consolidated for all purposes. Henriquez did not file objections to this Report; accordingly, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district

court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge (docket no. 4) is ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled civil actions be and hereby are CONSOLIDATED for all purposes into one application for the writ of habeas corpus, styled as Henriquez v. Director, TDCJ-CID, civil action no. 6:13cv238. *See Rule 42(a), Fed. R. Civ. P.* Any pleadings or documents received in either case shall be docketed in cause no. 6:13cv238; no further entries, after this order of consolidation, shall be made on the docket of cause no. 6:13cv239. An order to answer has been entered in cause no. 6:13cv239; such answer, when received, shall be filed on the docket in cause no. 6:13cv238, regardless of the cause number which may be placed thereupon. It is further

ORDERED that a separate filing fee shall not be charged for cause no. 6:13cv239. Because Henriquez has paid the filing fee in both cases, it is ORDERED that the Clerk shall refund to him the sum of \$5.00.

**It is SO ORDERED.**

SIGNED this 3rd day of June, 2013.



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MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE